

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. CR 04-60087-1-AA

JACOB JEREMIAH FERGUSON,

Defendant.

ORDER REVOKING SUPERVISED RELEASE

On June 3, 2008, the defendant appeared before this court, for sentencing following his plea of guilty to Attempted Arson & Arson. He was sentenced to five (5) years probation which commenced on June 3, 2008.

On April 6, 2011, this court issued a petition for warrant and order to show cause why the term of probation order previously granted should not be revoked based on the probation officer's allegation that defendant violated the conditions of release.

On July 14, 2011, the defendant appeared with counsel at a hearing to determine whether defendant's probation should not be revoked. The defendant admitted he had violated the conditions of probation by committing new crimes and using controlled substances.

THE COURT FINDS that the defendant has violated conditions of his probation as set forth above, said violation constitutes a Grade A violation pursuant to Guideline § 7B1.1(a)(2). A Grade

A violation coupled with the defendant's Criminal History Category of II, produces a suggested imprisonment range of 15 to 21 months (§ 7B1.4 Revocation Table). At the initial sentencing in this case, the court established a range of 27 to 33 months and departed downward (12) levels to a sentence of probation under the facts and circumstances of this case. Pursuant to § 7B1.4, Application Note 4, where the original sentence was the result of a downward departure, a revocation sentence above the suggested range in the Chapter 7 table may be warranted.


IT APPEARS TO THE COURT that the defendant is no longer amenable to community supervision.

IT IS ORDERED AND ADJUDGED that the term of probation is revoked and the defendant is committed to the custody of the Bureau of Prisons for a term of twenty-seven (27) months, concurrent to the sentence imposed in Lane County Circuit Court Case No. 20-11-08200. A term of supervised release is imposed for a period of thirty-six (36) months under the previously imposed conditions of supervision and the following new conditions:

1. The defendant is prohibited from incurring new credit charges or opening additional lines of credit without the approval of the probation officer.
2. The defendant shall authorize release to the U.S. Probation Officer any and all financial information by execution of a release of financial information form, or by any other appropriate means, as directed by the probation officer.
3. The defendant's employment shall be subject to approval by the probation officer.
4. The defendant shall participate in a mental health evaluation and follow any and all recommendations for treatment as directed by his probation officer.
5. The defendant shall participate in a drug and alcohol evaluation and follow any and all recommendations for treatment as directed by his probation officer.
6. The defendant shall attend Reentry Court as directed by his probation officer.

All other conditions and terms previously imposed on June 3, 2008 shall remain in full force and effect.

Dated this 14th day of July, 2011.



ANN AIKEN
United States District Judge